

UNITED STATES DISTRICT COURT:
SOUTHERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA, :

: AFFIDAVIT

-against-

: Ind. No. 07 Cr. 897 (AKH)

MARIO SOSA-GINESTI, :

Defendant. :

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MARIO SOSA-GINESTI, being duly sworn, deposes and says:

1. That I am the captioned defendant and submit this affidavit, which was prepared by my attorney, in support of an application for the relief requested in the Notice of Motion, annexed hereto.
2. That I make this affidavit upon information and belief. The sources of my information are conversations with my attorney as to those matters which are not based upon my personal knowledge.

STATEMENT OF FACTS

3. On August 29, 2007, in the afternoon hours, I was seated in the driver's seat of gold Chevrolet Impala, which I had driven to Secaucus, New Jersey.
4. I was told to exit the vehicle by someone I later learned was a police officer. I was searched, and was told to stand near a tractor trailer. The officer opened the trunk to my car and searched it. While the complaint prepared in this case states that one of the boxes inside the trunk was partially open, that statement is inaccurate.

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5. While I was being detained by the police, I was questioned about the contents of the boxes. I was not given the "Miranda warnings" prior to the questioning. I responded that the boxes contained anti-freeze.

6. Since the affidavit is being submitted for a limited purpose, it does not contain each and every fact relating to my arrest.

WHEREFORE, it is respectfully requested that the relief sought in the Notice of Motion be in all respects granted.

Sworn to before me this
9th day of January, 2008

MARIO SOSA-GINESTI